IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO. 5215 OF 2005

Shri Harishchandra Narayandas
Agrawal. ... Appellant.

V/s.

The Municipal Corporation of
Gr.Mumbai and another. ... Respondent.

Mr.C.G.Gavnekar i/b. Sunil Singh
for the appellant.

Ms.Geeta Joglekar for respondent No.1.

CORAM : A.S. OKA, J.

DATED : 1st March 2005.

P.C :

. Admit.

2. Respondent No.1 waives service.

3. It is an admitted position that to the notice dated 18th February 2005 issued under section 314 of the Mumbai Municipal Corporation Act, 1888 a reply was submitted by the Appellant on 19th February 2005. It is also an admitted position that there is no order passed by the concerned officer after consideration of the reply as required by the law laid down by this Court.

4. The learned counsel appearing for the Respondent No.1 on instruction states that the

Assistant Commissioner, 'G'-North Ward of the Respondent No.1 Corporation will pass an order after considering the reply dated 19th February 2005 within a period of two weeks from today.

5. In view of this statement, Shri Gavnekar, learned counsel appearing for the Appellant prays for withdrawal of the suit with liberty to take out appropriate proceeding in the event the order passed by the Assistant Commissioner is adverse to the Appellant.

6. Hence I pass the following order:

ORDER

(i) The Assistant Commissioner, 'G'-North Ward of the Respondent No.1 Corporation will pass an order after considering the reply dated 19th February 2005 filed by the Appellant within a period of two weeks from today.

(ii) The said order shall be communicated to the Appellant within a period of two weeks from the date of passing of the order.

(iii) The parties will maintain status-quo as of today for a period of eight weeks from today.

(iv) The L.C.Suit No.976 of 2005 is allowed to be withdrawn with liberty to the Appellant to take out appropriate proceedings in case the order passed by the Assistant Commissioner is adverse to the Appellant.

(v) The Appeal is disposed of in the above terms with no order as to cost.

(vi The parties and the concerned Court to act on an authenticated copy of this order.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST.) NO. 5217 OF 2005
IN
APPEAL FROM ORDER (ST.) NO. 5215 OF 2005

Shri Harishchandra Narayandas
Agrawal. ... Appellant.

V/s.

The Municipal Corporation of
Gr.Mumbai and another. ... Respondent.

Mr.C.G.Gavnekar i/b. Sunil Singh
for the appellant.

Ms.Geeta Joglekar for respondent No.1.

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DATED : 1st March 2005.

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. In view of disposal of the Appeal, this civil application does not survive. The civil application is rejected.

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